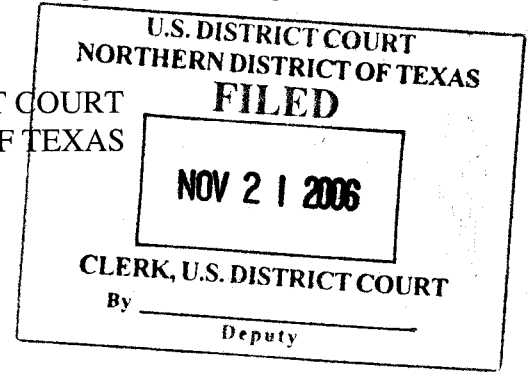


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



CRAIG EMMETT MENDENHALL,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:03-CV-0440

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS

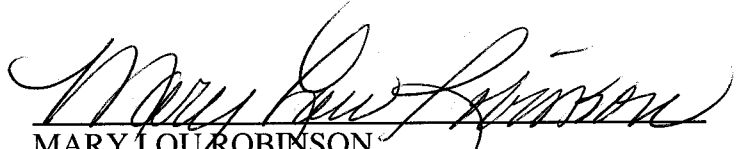
Petitioner has filed with this Court an application for a writ of habeas corpus by a person in state custody. On October 26, 2006, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that habeas relief be denied. On November 9, 2006, respondent filed objections to the Report and Recommendation. By his objections, respondent challenges the Magistrate Judge's recommendation that petitioner's application for a writ of habeas corpus should not be dismissed on the basis that petitioner is not eligible for mandatory supervised release. In making such recommendation, the Magistrate Judge noted "it may very well be that petitioner is in fact ineligible for mandatory supervised release," but found respondent had failed to meet the burden of establishing that fact and would need to submit additional information to resolve contradictions in the information before the Court. Although respondent objects to this finding, respondent does not submit any additional information to aid the Court in a resolution of this issue. As of this date, petitioner has not filed

any objections to the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The objections filed by respondent are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DENIED. Let judgment be entered accordingly.

IT IS SO ORDERED.

ENTERED this 1st day of November 2006.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE